

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROBERT SMITH, JR.,

Plaintiff,

v.

THE STATE OF WASHINGTON, *et al.*,

Defendants.

Case No. C07-5135 FDB

ORDER ADOPTING REPORT AND
RECOMMENDATION TO REVOKE
IN FORMA PAUPERIS STATUS
PURSUANT TO 28 U.S.C. § 1915(g)

This matter comes before the Court on the Report and Recommendation of the Magistrate Judge that Plaintiff's *in forma pauperis* status be revoked because he has received more than three formal strikes pursuant to 28 U.S.C. §1951(g). Plaintiff has not filed an objection.¹

The Court, having reviewed the report and recommendation, any objections, and the remaining record, hereby finds and **ORDERS:**


- (1) the Magistrate Judge's Report and Recommendation is approved and adopted;
- (2) Defendants' motion to revoke Plaintiff's *in forma pauperis* status (Dkt. # 17) is **GRANTED;**
- (3) Plaintiff shall pay the required filing fee (\$350.00) to the Clerk of the Court within 30

¹Plaintiff has requested a 30 day extension of time to file objection to the Report and Recommendation. However, as indicated in the Report and Recommendation, it is undisputed that Plaintiff has more than three formal strikes and is not under imminent danger of serious physical injury. Thus, any extension of time to respond would necessarily be fruitless on the issue.

1 days of the date of this Order, otherwise this action will be dismissed;

2 (4) the Clerk of the Court is directed to send copies of this Order to Plaintiff, to counsel
3 for Defendants, and to the Hon. Karen L. Strombom.

4 DATED this 2nd day of October, 2007.

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FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE
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